

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.24073 OF 2005

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Dt:10.11.2005

**Between:**

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P.Suribabu

... Petitioner

and

The Government of A.P. and another

... Respondents

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The second respondent issued a show cause notice, dated 13.11.1993, directing the petitioner to explain as to why the caste certificates issued to him, shall not be cancelled. The petitioner submitted his explanation on 10.01.1994. On consideration

of the same, the second respondent passed an order, dated 04.09.1995 cancelling the caste certificate of the petitioner. W.P.No.3925 of 1996 was filed by the petitioner against the order of cancellation. The writ petition was disposed of on 31.08.2005 leaving it open to the petitioner to prefer an appeal before the first respondent. The interim stay that was in force during the pendency of the writ petition, was directed to be continued till the first respondent passes interim orders. The petitioner preferred an appeal together with an application for stay, before the first respondent. Through order dated 19.10.2005, the first respondent rejected the application for stay. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

At the time the second respondent passed an order, dated 04.09.1995, there did not exist any provision for appeal against the order of cancellation of caste certificates. The Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 came into force thereafter. Therefore, the petitioner filed W.P.No.3925 of 1996. Following the Judgment rendered by a Division Bench of this Court in **J.VIJAY KUMAR v JOINT COLLECT & ADDL. DIST. MAGISTRATE, NIZAMABAD**, the writ petition was disposed of, leaving it open to the petitioner, to avail the remedy of appeal before the first respondent. The interim order that was in force during the pendency of the writ petition, was directed to be continued till the first respondent passes orders on the application for stay.

Through the impugned order, the first respondent rejected the application for stay. No reasons are stated and not even the fact that the stay was in operation for the past one decade was taken into account. If the order of cancellation is to become operative even while the appeal preferred by the petitioner is pending, the appeal itself would become infructuous.

In that view of the matter, the writ petition is allowed directing that the order, dated 04.09.1995, passed by the second respondent shall remain suspended till the first respondent dispose of the appeal.

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10.11.2005

Note: Issue C.C. in three days

(B/o)

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